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The students had been sentenced to periods of imprisonment ranging from six months to two years and one had been acquitted. In a number of cases, the Court declared the students guilty of insulting state institutions but not guilty of insulting the Head of State or of the most serious charge of having obstructed the Government's development program for which the maximum penalty is death.

A number of prominent Moslem politicians and their followers were also arrested in the period before and after the Presidential elections of March 1978. Many have now been released, including in the past year Mahbub Djunaedi, Deputy Secretary General of the Moslem political party, the PPP; Professor Ismail Suny, Rector of Muhammadiyah University; and Sutomo, popular hero of the struggle for independence. However, other Moslems primarily persons associated with the Gerakan Pemuda Islam (GPI, Islamic Youth Movement) continued to be detained. In February 1980, one of these detainees, the former Editor of the newspaper Abadi, Soemarso Soemarsono, who had been under arrest since 1978, was put on trial on subversion charges. Amnesty International regards Soemarso Soemarsono as a prisoner of conscience.

EAST TIMOR

There have been persistent reports of violations of human rights (including imprisonment without trial and executions) in East Timor since the Indonesian invasion of that territory in December 1975. Amnesty International has had considerable difficulty in establishing the veracity of these reports primarily because of the strict embargo placed by the Indonesian occupation forces on access by international observers to the island and on the flow of information out of it. However, in recent months, Amnesty International has received reliable information concerning these allegations and now believes that violations of human rights of concern to the organization have occurred and are still occurring in East Timor. This evidence suggests that the Indonesian occupation forces in East Timor at least since 1979 may, as reports from other sources have indicated, have in fact employed a policy of executing Fretilin* members who surrendered under the terms of an amnesty guaranteeing their safety. Moreover, Amnesty International believes that of the approximately 800 persons being held in prisons in the capital, Dili, alone, some, who have been in detention since 1975-76 and took no part in the fighting either before or after the invasion, could be regarded as prisoners of conscience.

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* Fretilin - Frente Revolucionatia do Timor Leste Independente: movement for an independent East Timor, which declared the territory's independence on 28 November 1975 and resisted the Indonesian invasion.

Disappearances

During 1979, Amnesty International received a number of reports that Fretilin members who had surrendered to the Indonesian forces had subsequently disappeared. A specific instance was cited by an Indonesian Church source who, during a visit to the island in the first half of 1979, reported that in late March 'the people of Dili were in a state of nervousness because of the news that the remaining (captured or surrendered) Fretilin leaders were kidnapped at night and no one knew of their whereabouts.' A Portuguese priest describing the situation in Dili at approximately the same time noted: 'No one who had links with Fretilin is safe; at any time they can be taken without their family knowing and put somewhere else, put in a prison camp, or, sometimes, they just disappear.'*

Amnesty International has been able to investigate these reports and has collected the names of more than 20 individuals who surrendered or were captured and whose present whereabouts are known. There are strong grounds for fearing that these individuals may have been executed by Indonesian forces. Moreover, although some of these persons are believed to have been killed almost immediately after surrender, the majority disappeared after a period of detention and subsequent release spanning up to eighteen months. This latter group were picked up from their homes and have not been seen since. All cases of this pattern of disappearance known to Amnesty International occurred in 1979, suggesting the possibility that the Indonesian authorities may have adopted a policy of eliminating Fretilin members in that year. It should be noted that, while many surrendered Fretilin members have disappeared, some well-known leaders, whose surrender or capture was well-publicized and were at one time believed to have disappeared, were alive and at liberty at the end of 1979. They include: Francisco Xavier do Amaral, former President of the Democratic Republic of East Timor; Alarico Fernandes, the Fretilin Minister of Internal Administration and Security; and Arsenio(Ramos)Horta, a member of the Fretilin Central Committee. Their survival may be attributed in part to the concern for their safety expressed outside Indonesia. Similar expressions of concern, including requests that they be produced, may save the lives of other members of Fretilin who have surrendered to the Indonesian forces.

2) Some Illustrative Cases

Leopoldo Joaquim, a member of the Fretilin Central Committee, surrendered in Same in the Southwest of the territory in early 1978. The event was considered sufficiently important by the Indonesians

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* cf 'Reports from a variety of sources including US officials (off the record) describe summary executions of surrendering Fretilin guerrillas' (Benedict O'Gorman Anderson, Testimony on Human Rights in Indonesia and East Timor, Subcommittee on Asian and Pacific Affairs of Committee on International Relations of the US House of Representatives, 6 February 1980, p. 13).

for them to draw up a propaganda leaflet bearing his photograph and announcing his surrender. He was detained for several months after his surrender in San Tai Ho prison, a converted warehouse in Dili. After his release he was required to report daily to the local military command and Indonesian officers were frequently seen eating at his house. In April 1979, he was taken by Indonesian troops and escorted to the house where his 17-year-old niece, Maria Gorete Joaquim, lived. Maria Gorete Joaquim had been detained for six months in 1976 for her role in the Fretilin student organization, UNETIM. Both Leopoldo and Maria Gorete Joaquim were then taken away, purportedly to work in Baucau. Neither has been seen or traced since.

Dulce Maria da Cruz was captured in March 1979 with her three-year-old child. She was taken to Dili and detained. Nothing has been heard of her since, though her child is believed to be living with relatives in Ostico. A former student in Lisbon, Dulce Maria da Cruz had been appointed principal of a primary school in Dili in October 1974. In January 1975, she was selected by the Portuguese administration to sit on a Commission for Education Reform. She was the Fretilin Minister of Education and Culture and helped institute Fretilin's popular education program. She would now be 29 years old.

A number of Timorese members of the Portuguese army including approximately 100 sergeants joined the Fretilin forces. Many are believed to have disappeared after surrender. They include Sergeants Sebastiano Doutel Sarmento, Joao Bosco Soares, Joao Bosco Quintao, Domingos Ribeiro, Linho da Costa and Joao Baptista de Jesus Soares.

Joao Baptista de Jesus Soares was held for six months in San Tai Ho prison after his surrender in early 1978. He remained at conditional liberty until April or May 1979 when he was picked up from his home by Indonesian soldiers and probably executed. He had surrendered with another Fretilin leader, Anibal Aranjo. (Both were members of the Fretilin Central Committee.) Aged about 40 years old at the time of his disappearance, Soares fought with the Portuguese army in Portuguese Guinea (now Guinea-Bissau). A younger brother, Paulo, was still in the bush at the time of Soares' disappearance.

Neither Filomeno Alves nor Manecas Exposto was a leading figure in Fretilin. But, before the events of 1975, both had been known in Dili as members of a popular musical group, the Cinco do Oriente. Prior to the invasion, the two were students at the Lyceo in Dili and members of the Fretilin student organization, UNETIM. They surrendered together in Maubisse in January 1979. They were taken to Dili and held in San Tai Ho prison. In April 1979, shortly after being released from San Tai Ho, they disappeared. Both would now be approximately 23 years old. Both Filomeno Alves and Manecas Exposto had relatives in Fretilin. Alves' mother, Maria Pereira, was herself held in San Tai Ho for a period after the Indonesian invasion. His cousin, Marita Alves, surrendered in mid-1978 and as of November 1979 was still in San Tai Ho prison. Manecas Exposto's father, Manuel Cornelio Albino Exposto, who also

fought with Fretilin, surrendered in June 1979 and was, on 21 November 1979, at conditional liberty after two short periods of detention. Manecas Exposto was also a cousin of former Fretilin President, Nicolau Lobato.

Not all disappearances known to Amnesty International occurred in Dili after a period of detention. Some, including Sergeants Sarmento and Ribeiro, disappeared almost immediately after surrender. Others were permitted to return to their homes and disappeared some time later. Joao Andrade Sarmento, a member of the Fretilin Central Committee, surrendered in Uato-Carabau with his wife and eight children in October or November 1978. He and his family were escorted on foot the 40 kilometres to their home town of Los Palos. There, Sarmento resumed work as a nurse. In June 1979, he was summoned by the Indonesian military authorities and is believed to have been executed.

The most recent known case of a Fretilin member disappearing after surrender was that of Sergeant Joao Basco Soares who disappeared from Dili in November 1979 three months after surrender.

Among those surrendered Fretilin members believed to be still alive at the end of 1979 was Juvenal Maria de Fatima Inacio, former Fretilin Minister of Finance and a member of the Central Committee. Inacio surrendered in April 1979 and was taken to Dili where he was allowed to see his wife and two daughters for one day. He was then transferred to Baucau prison where he was still detained as of the most recent report in October 1979. Now 31 years old, Juvenal Inacio was employed as an official with the rank of second officer in the Finance Department under the Portuguese administration.

Imprisonment

Amnesty International knows of three prisons in which political prisoners are held. These are: the former San Tai Ho warehouse and the former Portuguese District Prison (Cadeia Comarca, still known as the Comarca), both in Dili, and Baucau prison.*

Detention centres are believed to exist in each of the other eleven district capitals, though these appear to be converted buildings which function as temporary holding centres for surrendering Fretilin fighters.

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* cf 'The Timorese dignitary asserted that four concentration camps or political prisons existed - two here (in Dili), one in the second town of Baucau and one near Maliana.' (Henry Kamm, Timor's Legacy: Useless Currency, Stranded People, New York Times, 30 January 1980). Amnesty International has not been able to confirm the existence of a prison near Maliana.

The Comarca is the largest of these prisons with approximately 70 cells and a capacity of 700-1,000 prisoners. It is a one-storey, three-sided building constructed 120 years ago. Located in the suburb of Balide in the southern part of the city, it lies close to the Caicoli swamp. An informant who visited the prison in late 1979 said it was then overcrowded and many prisoners appeared to be seriously undernourished. The prisoners' regular diet consists of rice and kangkung (a type of spinach) supplemented once a week on Sundays by a small amount of meat. Prisoners are required to work from 5 am to 5 pm every day, cultivating food for themselves and their guards, constructing roads and as servants in the houses of Indonesian officers. In addition to malnutrition, tuberculosis is rampant in the prison, aggravated by the stone floors, on which prisoners are forced to sleep in close proximity, and by the neighbouring swamp. Those held in the Comarca are believed to be largely rank-and-file members of Fretilin or its affiliated organizations including some held since shortly after the invasion who never participated in the fighting. Fretilin supporters who surrendered to the Indonesians more recently are also held in the Comarca.

The San Tai Ho warehouse, a two-storey building which was converted into an interrogation centre and prison soon after the Indonesian invasion, lies in the commercial district of Dili close to the port. The ground floor consists of three rooms, comprising two cells holding approximately 20 prisoners each, and a garage. Upstairs are two smaller cells each holding approximately three women prisoners, and the prison administration office. In recent times, many captured and surrendering Fretilin members have been held in the San Tai Ho. San Tai Ho is also the only detention centre known to hold women prisoners. Amnesty International has received reports of prisoners in both the Comarca and San Tai Ho prisons being beaten. There have also been persistent reports of the use of torture to gain information from persons held in the San Tai Ho. These include allegations of the torture by burning with cigarettes of two women - Elda Saldanha and Maria Gorete Joaquim - held in the San Tai Ho in 1976-77. Although, like the Comarca, San Tai Ho holds some long-term prisoners, it functions primarily as an interrogation centre and, unlike the Comarca, is administered not by the Military Police but by Military Intelligence.

Conclusion

In view of the number of East Timorese known to have disappeared after surrender to the Indonesian authorities, urgent action is required to trace those persons known to have disappeared and to investigate any other cases of disappearance in East Timor. Investigations by international observers into the conditions in which many hundreds of East Timorese are imprisoned in the territory are also called for. The Indonesian Government should be reminded of the resolution on disappeared persons adopted by the General Assembly of the United Nations in December 1978* which

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* Resolution 33/173

inter alia calls upon governments 'to co-operate with other governments, relevant United Nations organs, specialized agencies, inter-governmental organizations and humanitarian bodies in a common effort to search for, locate or account for such (disappeared) persons in the event of reports of enforced or involuntary disappearances'. More concretely, Amnesty International believes that the Indonesian Government should be urged to permit the International Committee of the Red Cross to expand its activities in East Timor beyond the present limited food relief program so as to include tracing and prison visitation.

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